



August 15, 2007

**VIA E-MAIL DOCKET@STATE.CA.US AND U.S. MAIL**

California Energy Commission  
Docket Unit, MS-4  
Attn: Docket No. 06-AFC-6  
1516 Ninth Street  
Sacramento, CA 95814

Re: Eastshore Energy Project, 06-AFC-6

Dear Docket Clerk:

Enclosed please find the original of *Eastshore Energy Center's Status Report August 15, 2007* for filing in the above-entitled matter. This document was e-filed with your office and served on all parties on August 15, 2007. If you have any questions, please don't hesitate to contact me at 916/444-1000.

Very truly yours,

DOWNEY BRAND LLP



Nicolaas W. Pullin

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Enclosure

**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT  
COMMISSION OF THE STATE OF CALIFORNIA**

**APPLICATION FOR  
CERTIFICATION FOR THE  
EASTSHORE ENERGY CENTER IN  
HAYWARD BY TIERRA ENERGY**

**DOCKET NO. 06-AFC-6  
(AFC Accepted 11/8/06)**

**EASTSHORE ENERGY CENTER'S STATUS REPORT**

**August 15, 2007**

Jane E. Luckhardt  
Nicolaas W. Pullin  
DOWNEY BRAND LLP  
555 Capitol Mall, 10th Floor  
Sacramento, California 95814  
Telephone: (916) 444-1000  
FAX: (916) 444-2100  
E-mail: npullin@downeybrand.com  
**Attorneys for Eastshore Energy Center**

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**EASTSHORE ENERGY CENTER'S STATUS REPORT**

**August 15, 2007**

The following provides Eastshore Energy Center's ("Eastshore") update to the Committee on the status of the above referenced proceeding. This status report expresses Eastshore's continuing and ongoing concerns about delays in issuing the Preliminary Staff Assessment.

***Preliminary Staff Assessment Delay***

After numerous past delays in the release of the Preliminary Staff Assessment, Eastshore has been informed of yet another delay. Eastshore has been notified that California Energy Commission ("Commission") Staff would be unable to issue a Preliminary Staff Assessment until approximately August 17. Eastshore had previously expressed concern about schedule delays in its July 25th status report. At the June 6th Status Conference, Eastshore also expressed concern about the impact to the overall proceeding schedule of a post-July 31st Preliminary Staff Assessment. Eastshore reminds the Committee that Commission Staff agreed in the workshop on May 23rd that they had all of the information they needed to complete the Preliminary Staff Assessment. Therefore, the Preliminary Staff Assessment delay is not the result of any actions by Eastshore, yet further progress on the Eastshore project remains stalled. Eastshore understands that the delay in the release of the Preliminary Staff Assessment is due in part to the current workload faced by Commission Staff.

As the Committee is aware, Eastshore is under contract with Pacific Gas and Electric Company (PG&E) to provide power by a date certain. Despite actions PG&E may or may not have taken to ease online requirements for other projects, Eastshore remains subject to the obligations of its power purchase agreement with PG&E. Should the Commission decide to give

Eastshore a license for its proposed powerplant, Eastshore intends to fulfill its obligations to PG&E. Therefore, Eastshore is very concerned about current and potential further delays if workload issues are not resolved or if Commission Staff continues to postpone its assessment. It is Eastshore's fervent hope that the Committee will consider and implement any feasible measures to accelerate the schedule for the remainder of the proceeding.

### ***Conclusion***

Eastshore appreciates this opportunity to provide a status report to the Committee. Eastshore remains concerned about the delays in the Preliminary Staff Assessment and respectfully requests that the Committee consider and implement any feasible measures to accelerate the schedule.

DATED: August 15, 2007

DOWNEY BRAND LLP

By: 

Nicolaas W. Pullin

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**PROOF OF SERVICE**

**INSTRUCTIONS:** All parties shall either (1) send an original signed document plus 12 copies or (2) mail one original signed copy AND e-mail the document to the address for the docket as shown below, AND (3) all parties shall also send a printed or electronic copy of the document, which includes a proof of service declaration to each of the individuals on the proof of service list shown below:

**CALIFORNIA ENERGY COMMISSION**

Attn: Docket No. 06-AFC-6  
1516 Ninth Street, MS-4  
Sacramento, CA 95814-5512  
[Docket@state.ca.us](mailto:Docket@state.ca.us)

Greg Trewitt, Vice President Tierra Energy 710 S. Pearl Street, Suite A Denver, CO 80209 <a href="mailto:greg.trewitt@tierraenergy.com">greg.trewitt@tierraenergy.com</a>	David A. Stein, PE Vice President CH2M Hill 155 Grand Avenue, Suite 1000 Oakland, CA 94612 <a href="mailto:dstein@ch2m.com">dstein@ch2m.com</a>
Jennifer Scholl Senior Program Manager CH2M Hill 610 Anacapa Street, Suite B Santa Barbara, CA 93101 <a href="mailto:jscholl@ch2m.com">jscholl@ch2m.com</a>	Harry Rubin, Executive Vice President RAMCO Generating Two 1769 Orvietto Drive Roseville, CA 95661 <a href="mailto:hmrenergy@msn.com">hmrenergy@msn.com</a>
Jane Luckhardt, Esq. Downey Brand, LLP 555 Capitol Mall, 10th Floor Sacramento, CA 95814 <a href="mailto:jluckhardt@downeybrand.com">jluckhardt@downeybrand.com</a>	Larry Tobias CA Independent System Operator 151 Blue Ravine Road Folsom, CA 95630 <a href="mailto:ltobias@caiso.com">ltobias@caiso.com</a>
Electricity Oversight Board 770 L Street, Suite 1250 Sacramento, CA 95814 <a href="mailto:esaltmarsh@eob.ca.gov">esaltmarsh@eob.ca.gov</a>	Jesus Armas, City Manager City of Hayward 777 B Street Hayward, CA 94541 <a href="mailto:jesus.armas@hayward-ca.gov">jesus.armas@hayward-ca.gov</a> <a href="mailto:Michael.sweeney@hayward-ca.gov">Michael.sweeney@hayward-ca.gov</a>

Paul N. Haavik 25087 Eden Avenue Hayward, CA 94545 <a href="mailto:lindampaulh@msn.com">lindampaulh@msn.com</a>	
Jeffrey D. Byron Presiding Member <a href="mailto:jbyron@energy.state.ca.us">jbyron@energy.state.ca.us</a>	John L. Geesman Associate Member <a href="mailto:jgeesman@energy.state.ca.us">jgeesman@energy.state.ca.us</a>
Susan Gefter Hearing Officer <a href="mailto:sgefter@energy.state.ca.us">sgefter@energy.state.ca.us</a>	Caryn Holmes Staff Counsel <a href="mailto:cholmes@energy.state.ca.us">cholmes@energy.state.ca.us</a>
Bill Pfanner <a href="mailto:bpfanner@energy.state.ca.us">bpfanner@energy.state.ca.us</a>	Public Adviser <a href="mailto:pao@energy.state.ca.us">pao@energy.state.ca.us</a>

### **DECLARATION OF SERVICE**

I, Lois Navarrot, declare that on August 15, 2007, I deposited copies of the attached Eastshore Energy Center's Status Report August 15, 2007 in the United States mail at Sacramento, California with first-class postage thereon fully prepaid and addressed to those identified on the Proof of Service list above.

**OR**

Transmission via electronic mail was consistent with the requirements of the California Code of Regulations, title 20, sections 1209, 1209.5 and 1210. All electronic copies were sent to all those identified on the Proof of Service list above.

I declare under penalty of perjury that the foregoing is true and correct.



Lois Navarrot